



## Annual Report to the Joint Judiciary Committee

Pursuant to

HB 13-1299 (SMART Act)

HB 14-1032 (Juvenile Defense)

SB19-223 (Competency Bill)

SB18-203 (Municipal Courts)

Lindy Frolich, Director

Stacie Nelson Colling, Youth Defense Coordinator

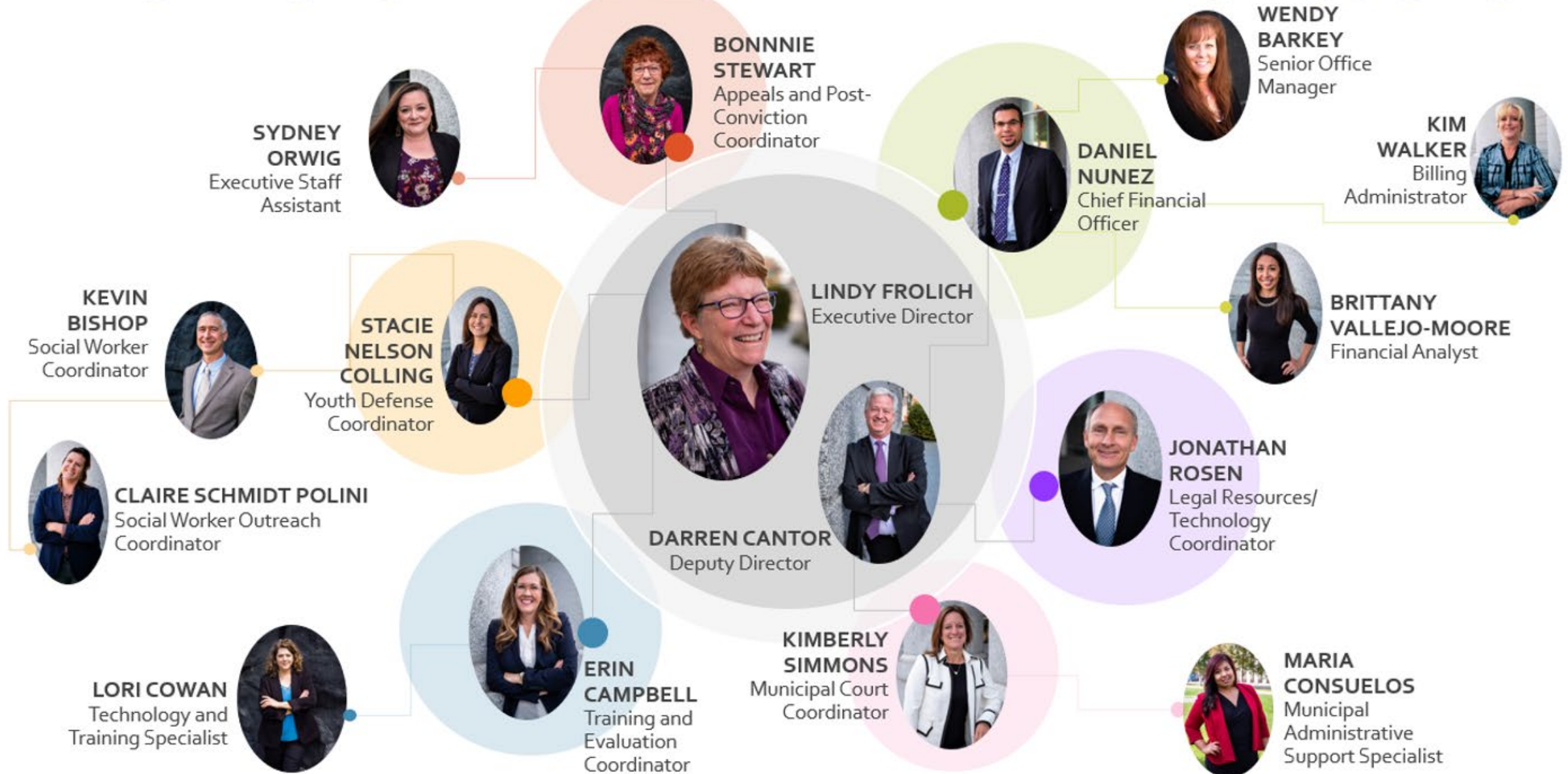
Erin Campbell, Evaluation and Training Coordinator

Kimberly Simmons, Municipal Court Coordinator

January 24<sup>th</sup>, 2022

- The OADC was established pursuant to §21-2-101, C.R.S. (SB96-205)
- It began operating January 1, 1997. The OADC is responsible for providing legal representation in cases involving conflict-of-interest for the State Public Defender's office
- At that time, it had 2.3 FTE and an annual budget of \$4,065,101

# THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL



## Mission Statement

The mission of the Office of the Alternate Defense Counsel (OADC), through the practice of holistic public defense, is to help adults and children who the government has charged with criminal and delinquent offenses. The OADC's holistic practice model fosters ethical, informed, and standard-driven best practices in public defense. The OADC allocates resources in a manner intentionally designed to rebalance the disparate power wielded by the government in the criminal legal system. We advocate for every client's inherent worth and dignity by centering the client's experiences and voice to achieve the best legal outcome.

The OADC is dedicated to zealous, client-centered advocacy rooted in social justice, integrity, and humility. We recognize that we are working within a broken and racist criminal legal system. Public defense advocates play an essential role in challenging bias and disparity within the courtroom, within our offices, and within ourselves. There is a disparate presence of violent policing, over-charging, and harsher sentencing outcomes for Colorado's people of color and other vulnerable populations. The OADC is unwavering in its support of decarceration, the decriminalization of youth, and equity within the criminal legal system.

# 4 arrested on gun charges at Denver hotel, police feared 'Las Vegas-style shooting' during All-Star Game

**Liz Roscher**

yahoo/sports

July 11, 2021 · 3 min read

Three men and one woman were arrested at the Maven Hotel in Denver on Friday night after a hotel housekeeper tipped off the police to a large stash of guns and ammo in an 8th floor room. The hotel is near Coors Field, where the MLB All-Star Game is being held next week.

[Channel 7 in Denver reported](#) that the tip from the hotel employee, combined with other factors, caused the police fear that there could be a mass shooting event during the festivities next week. [Via thedenverchannel.com:](#)



*Sources said police removed 16 long guns, body armor and more than 1,000 rounds of ammunition from the room which featured a balcony overlooking the downtown area. The sources said they feared the number of weapons, ammo, vantage point and large crowds could have resulted in a "Las Vegas style shooting."*



# 21 people indicted in multi-national marijuana and money laundering case

Sixteen of the suspects are in custody; five remain on the run, officials said.

ARAPAHOE COUNTY, Colo — Local and federal agencies announced Thursday afternoon a "major" grand jury indictment with statewide and national implications.

The 45 count indictment charged 21 people. 18th Judicial District Attorney John Kellner said the suspects were involved in organized crime. All of the suspects were charged with breaking the Colorado Organized Crime Control Act (COCCA) and some of the suspects had felony drug charges added, Kellner said.



# 7 people arrested for kidnapping and attempted murder of a woman

ROCKY FORD — On Friday, the Colorado Bureau of Investigation announced they had arrested seven people in connection with a kidnapping, torture, and attempted murder of a Rocky Ford Woman.

Authorities say the incident took place at an apartment in Rock Ford in August 2017.

They did not release many details about what happened but they say starting in 2019 the Colorado Bureau of Investigation was asked to look into the incident along with the Otero County Sheriff's Office, the Rocky Ford Police Department, and the District Attorney's office.



The Colorado Bureau of Investigation released a list of the suspects they arrested:

- 43 year old Cosme Flores of La Junta
- 35 year old Hipolito Isaac Sanchez of Rocky Ford
- 33 year old Jamie Harmon of Rocky Ford
- 28 year old Jeremy Casias of Rocky Ford
- 33 year old Kendra Thompson of Rocky Ford
- 39 year old Leonard Trujillo of Rocky Ford
- 32 year old Leroy Osborne of Pueblo

All of the suspects are facing First Degree Kidnapping and Conspiracy to Commit First Degree Murder charges.

 By: Caitlin Sullivan

*Posted at 11:56 AM, Jul 09, 2021 and last updated 1:23 PM, Jul 09, 2021*

"MOTHER GOD" OF LOVE HAS WON

# Mummified remains of cult leader found in group's home

By Noelle Phillips  
*The Denver Post*

A woman who led a controversial Colorado religious group is dead and seven of her followers are under investigation after Saguache County sheriff's deputies found the leader's mummified body in a sleeping bag and wrapped in Christmas lights inside a home in Moffat.

Deputies discovered the body on Wednesday inside a home where followers of Love Has Won lived, according to court records. Investi-

gators believe Amy Carlson's followers had driven her body to Colorado from California, according to a Saguache County Sheriff's Office arrest affidavit.

A follower told deputies the body belonged to Lia Carlson, and a Saguache County sheriff's corporal wrote in the affidavit that, "Ms. Carlson is believed to be the leader of 'Love Has Won' and goes by the name 'Mother God.'" It's not known why the follower gave the name "Lia" to deputies.

Saguache County Coroner

Tom Perrin confirmed he had received a body in connection with the investigation of the Love Has Won group but said he had not yet confirmed the identity.

Perrin said the body belonged to a middle-aged woman and it appeared she had been dead for awhile. "Must be a couple of weeks or more," he said.

A follower posted a video message on Love Has Won's Facebook page on Sunday to say that Amy Carlson "has ascended."

Amy Carlson has been

CULT » 5A



Photo Credit: Screenshot from video released by Saguache County Sheriff's Office.



**From:** ortega, heather <heather.ortega@judicial.state.co.us>

**Sent:** Tuesday, May 04, 2021 10:34 AM

**To:** Lindy Frolich <lindy@coloroadc.com>; Darren Cantor <darren@coloroadc.com>

**Subject:** ADC Request

Good morning,

I believe the public defenders office may have reached out to you already but we are in need of 6 ADC attorneys. We have a case that involves 7 co-defendants and the public defender's office took one however we still have the other 6. We thought some would have bonded by now however none have. They are **all in custody** and are set to be advised tomorrow at 1:30 p.m. Please let me know what we need to do to get this accomplished. The case numbers are

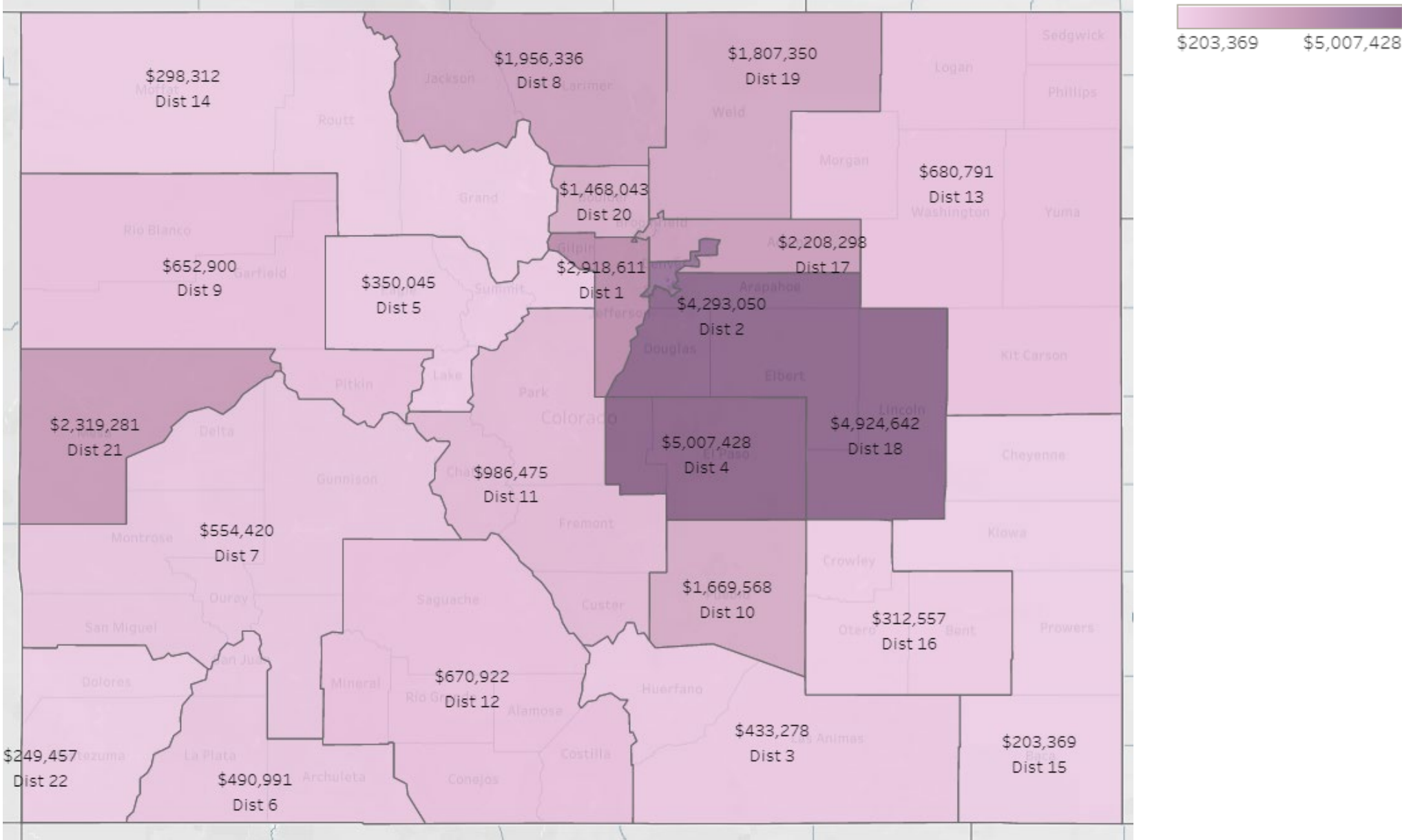
- 2021CRXX People v. XXXXX
- 2021CRXX People v. XXXXX
- 2021CRXX People v. XXXXX
- 2021CRXX People v. XXXXX
- 2021CRXX People v. XXXXX
- 2021CRXX People v. XXXXX

We have 4 attorneys on our felony ADC list so if they all are able to take a case we would still need 2 more.

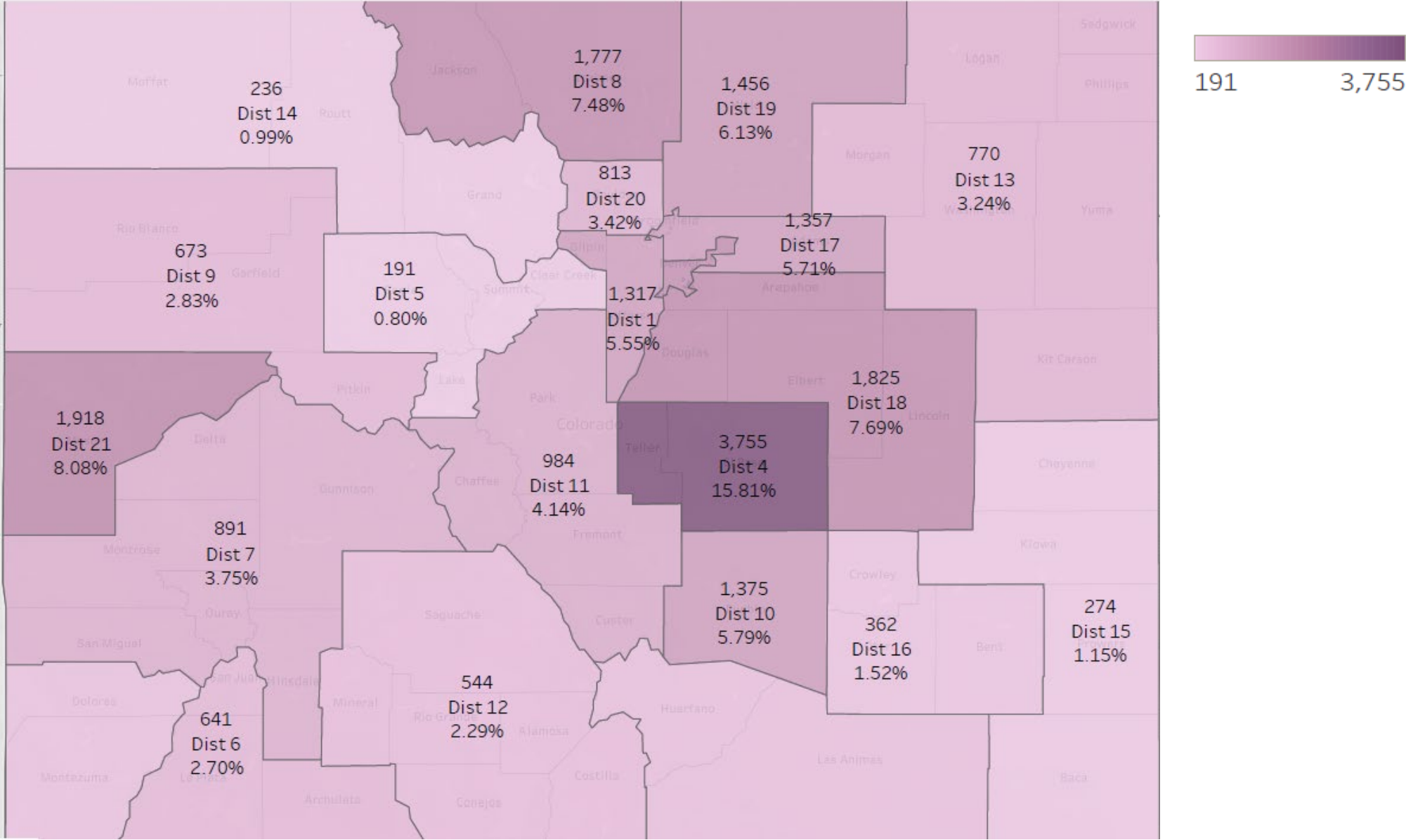
Thank you,

*Heather Ortega*  
*Court Judicial Assistant*  
*Saguache Combined Court*  
*501 4<sup>th</sup> Street, PO Box 197*  
*Saguache, Co 81149*  
[Heather.ortega@judicial.state.co.us](mailto:Heather.ortega@judicial.state.co.us)  
*719-655-2522*

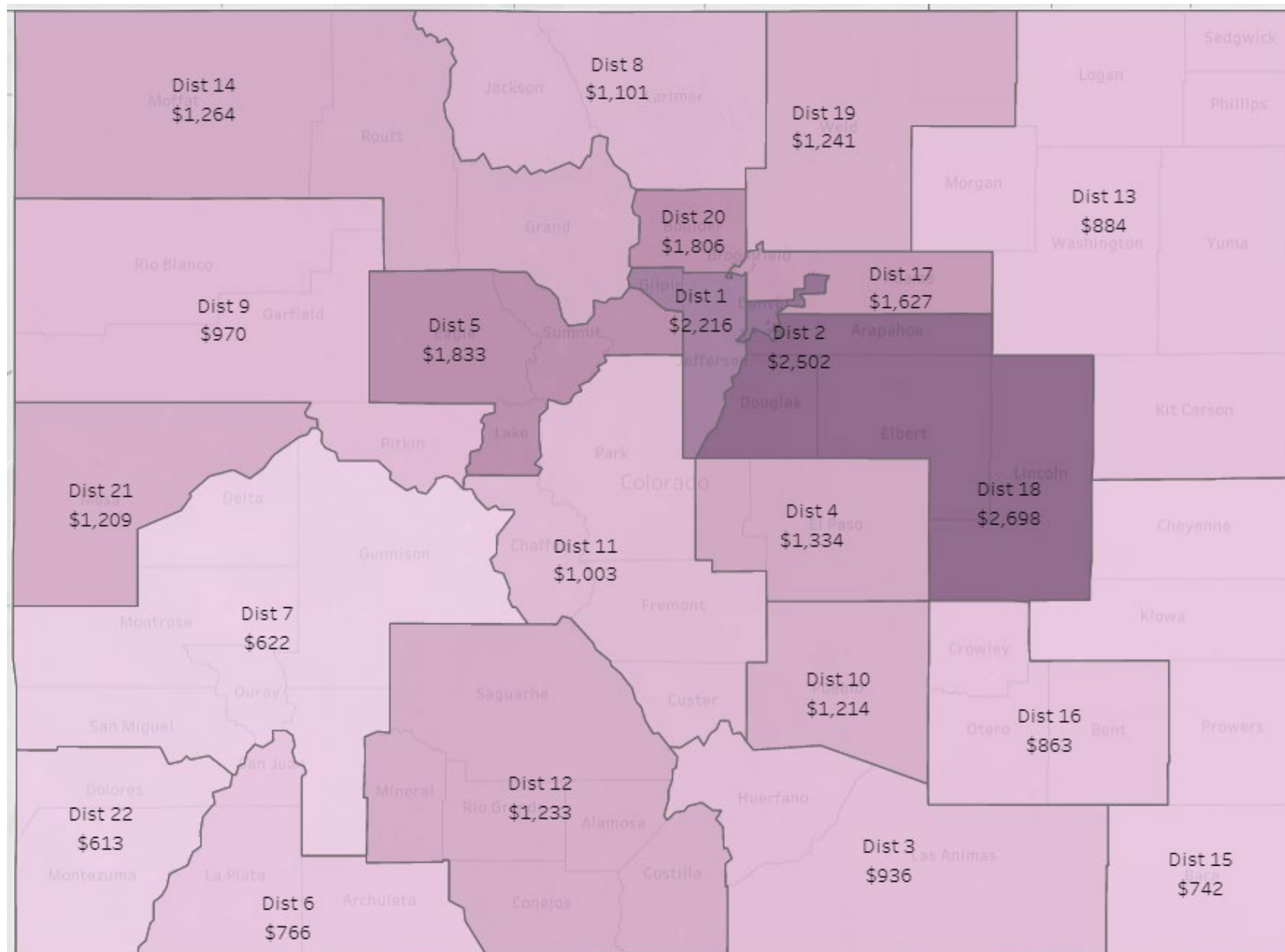
Expenditures by District Map FY21



Case Count by District Map FY21

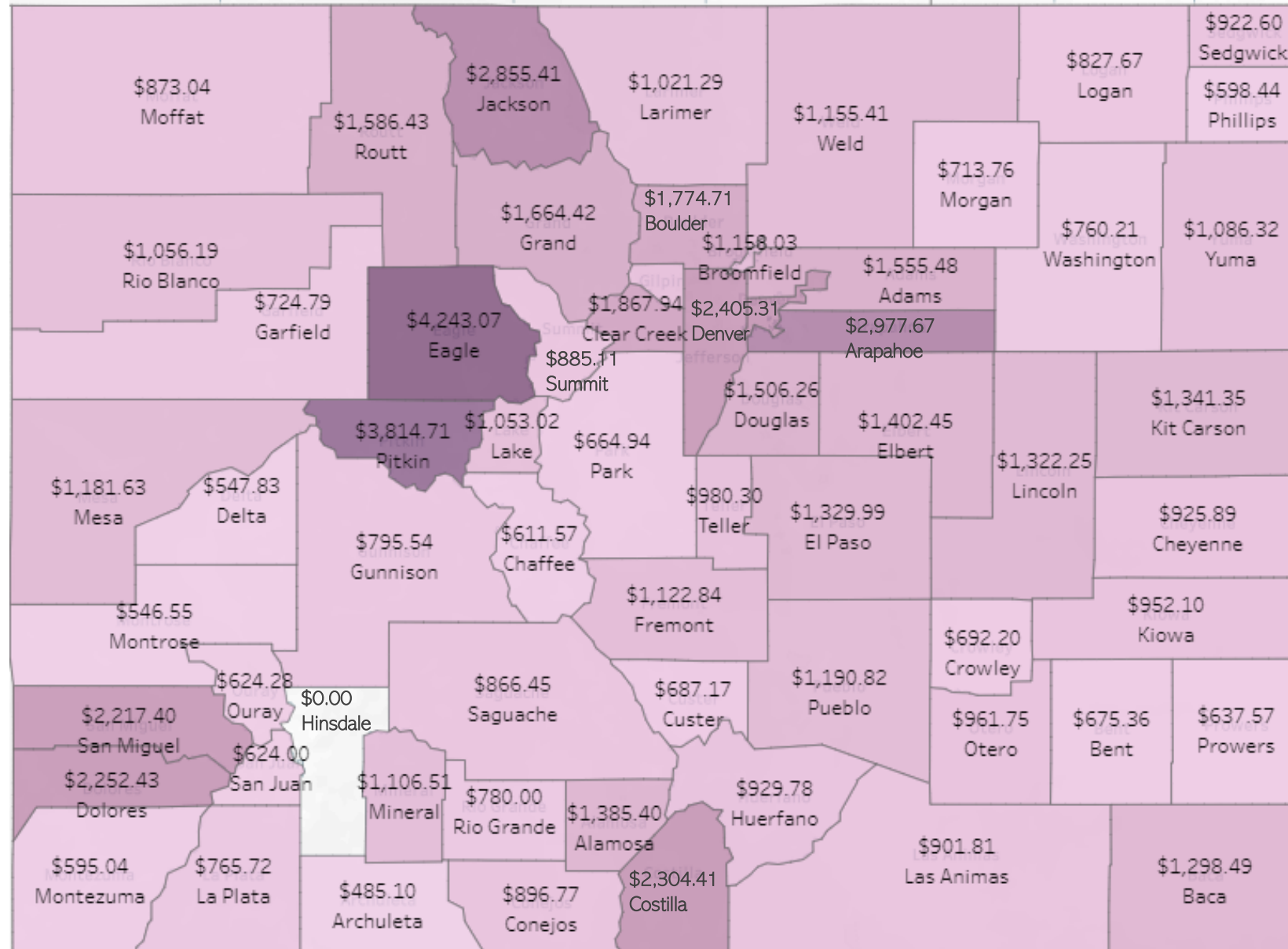


Average Cost per Case by District Map FY21





County Map - Average Cost per case by year



	FY16	FY17	FY18	FY19*	FY20	FY21
Overall Average Cost per Case	\$1,581	\$1,523	\$1,456	\$1,474	\$1,498	\$1,451
<i>change from prev FY</i>	-8.2%	-3.7%	-4.4%	1.2%	1.6%	-3.1%

$$(\$1,581 - \$1,451) = \$130 \times 23,746 = \$3,086,980$$

*\*In FY19, there was an 6.7% rate increase for attorney contractors, a 7% increase for Investigators, and a 10% increase for Paralegals, resulting in a disproportionate increase in expenditures for that year.*

## **FY 2022-23 Base Request of \$ 47,721,789**

PLUS DI 1 – Change Request – Coordinator of Adjunct Services \$ 0

PLUS DI 2 – Change Request – Staff Accountant \$ 103,413

PLUS DI 3 – Change Request – Information Systems Director \$ 134,414

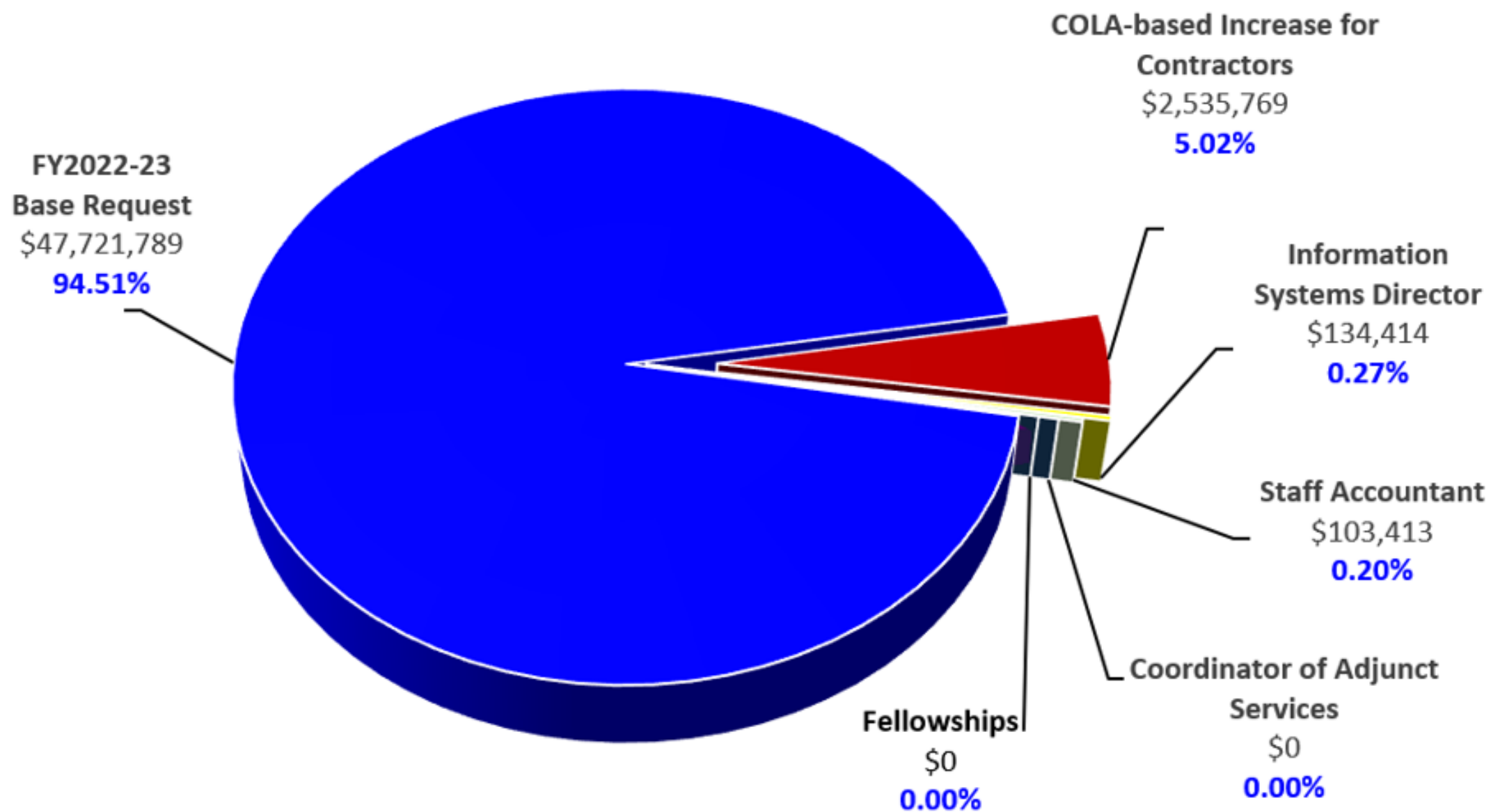
PLUS DI 4 – Change Request – COLA-based Increase for Contractors \$ 2,535,769

PLUS DI 5 – Change Request – The Greater Colorado Practitioner Fellowship \$ 0

PLUS DI 5 – Change Request – The Inclusivity Fellowship \$ 0

## **FY 2022-23 Budget Request of \$ 50,495,384**

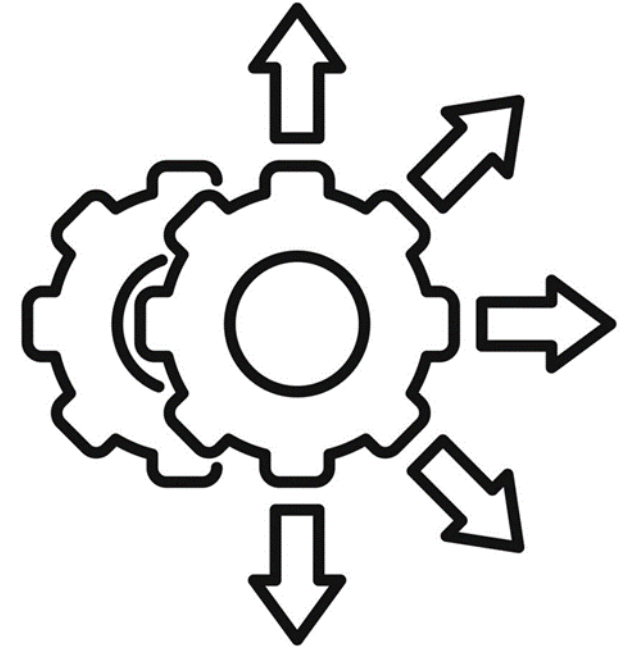
## FY 2022-23 Budget Request





# R-1 Coordinator of Adjunct Services

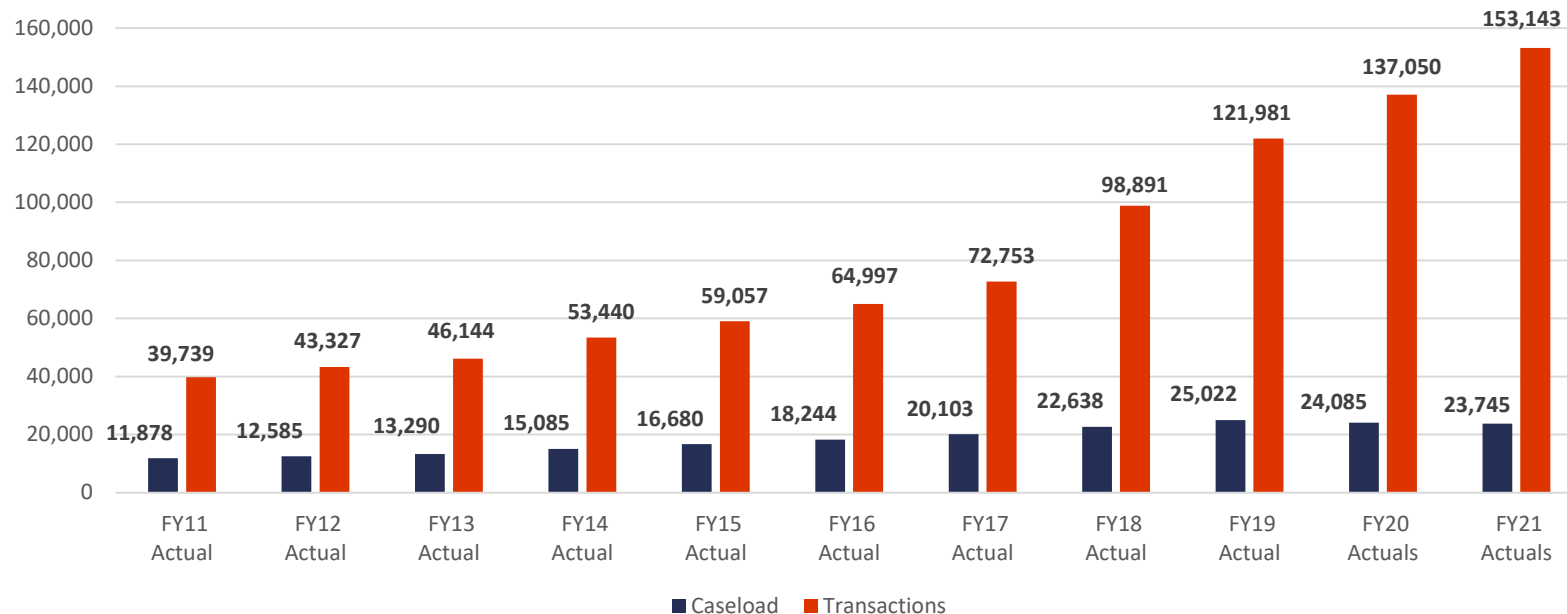
- 1.0 FTE. \$0 impact to the State's GF. Funding transferred from Conflicts of Interest LBLI.
- Assist in achieving Agency's mission of providing holistic public defense.
- Guiding contractors to adjunct services to better meet the needs of clients and their cases, while lowering billable rates and overall Agency costs.
- Conducting outreach to develop resources, particularly in rural areas.





# R-2 Staff Accountant

- 1.0 FTE. \$109,613 impact to the State's GF.
- Assist with procurement card tracking, travel coordination, reimbursements audits, and monthly & year-end journal entries and reconciliations



## R-3 Information Systems Director

- 1.0 FTE. \$140,614 impact to the State's GF.
- Responsible for all aspects of the agency's information technology needs.
- Guide Agency's IT needs to efficient, secure, and reliable systems.
- Reducing the use and expense of an external IT contractor.

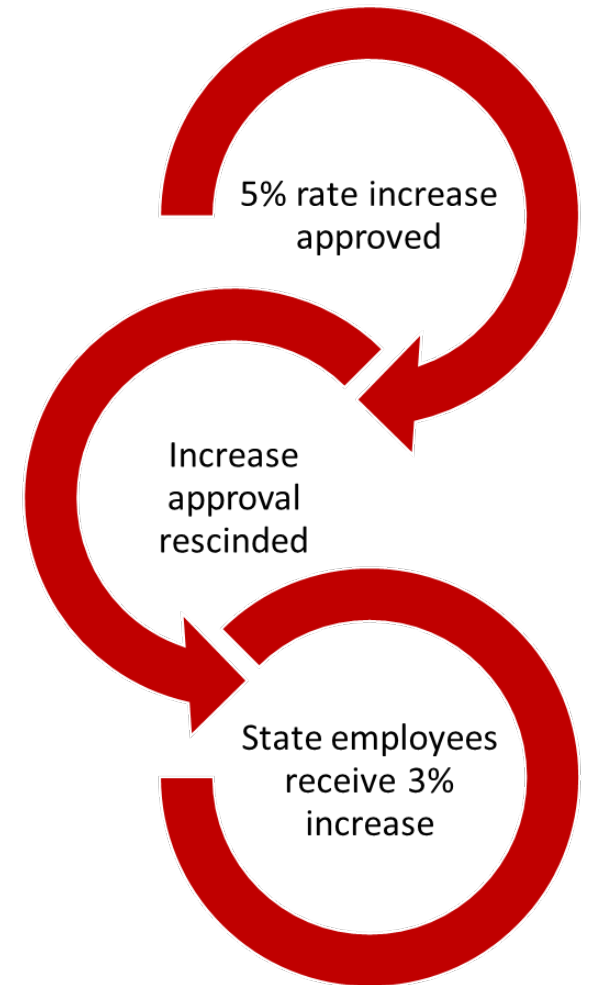




## R-4 COLA-based Contractor Hourly Rate Increase

- \$2,535,769 impact to the State's GF.
- To fund a 6.0% COLA-based hourly rate increase for Agency contractors.

Cost of Living Adjustments for State Employees	
FISCAL YEAR	INCREASE
2019-20	3%
2020-21	0%
2021-22	3%
TOTAL	6%



## R-5 The Greater Colorado Practitioner Fellowship and The Inclusivity Fellowship

- 2.0 FTE. \$0 impact to the State's GF.
- Two-year fellowships.
- To address and improve representation in the legal deserts in greater Colorado.
- To address the lack of BIPOC attorneys in the agency's contractor pool.



# SMART Act (HB 13-1299)

## Agency Objectives and Performance Measures

- A. Ensure Adequate Contractor Rates
- B. Contain Case Costs
- C. Provide High-Quality Annual Trainings
- D. Provide Cost-Effective Research Tools and Assistance
- E. Monitor and Evaluate Contractors
- F. Strengthen Social Worker Program
- G. Strengthen Juvenile Division
- H. Implement and manage the Municipal Court Program

For historical and projected data please see **Appendix A: Agency Objectives and Performance Measures.**

# Questions ?

Lindy Frolich – Director

(303) 515-6925 – [lindy@coloradoadc.com](mailto:lindy@coloradoadc.com)



- Stacie Nelson Colling  
*Youth Defense Coordinator*

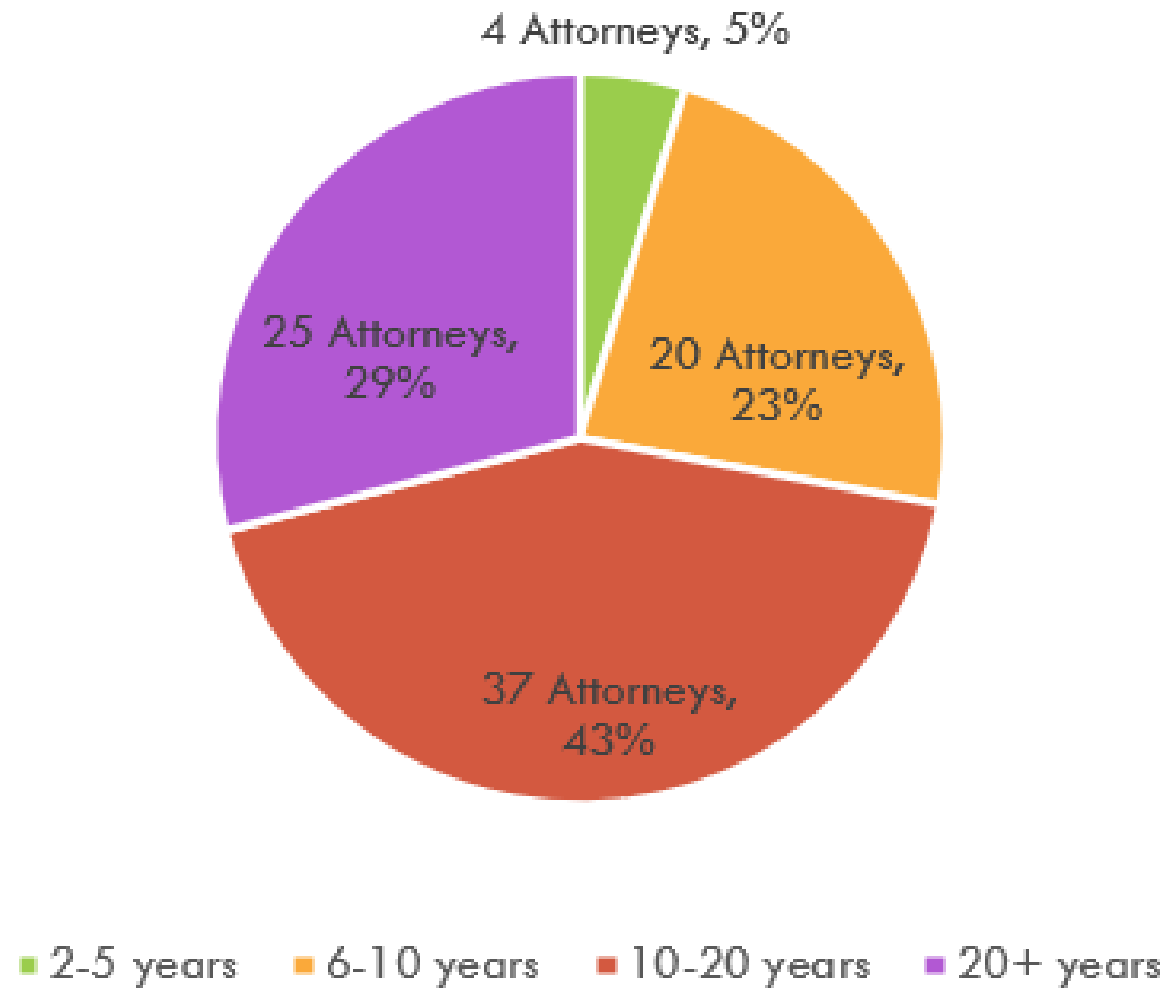
# HB 14-1032 (Juvenile Defense)

§21-2-104 C.R.S. Duties of alternate defense counsel and contract attorneys.

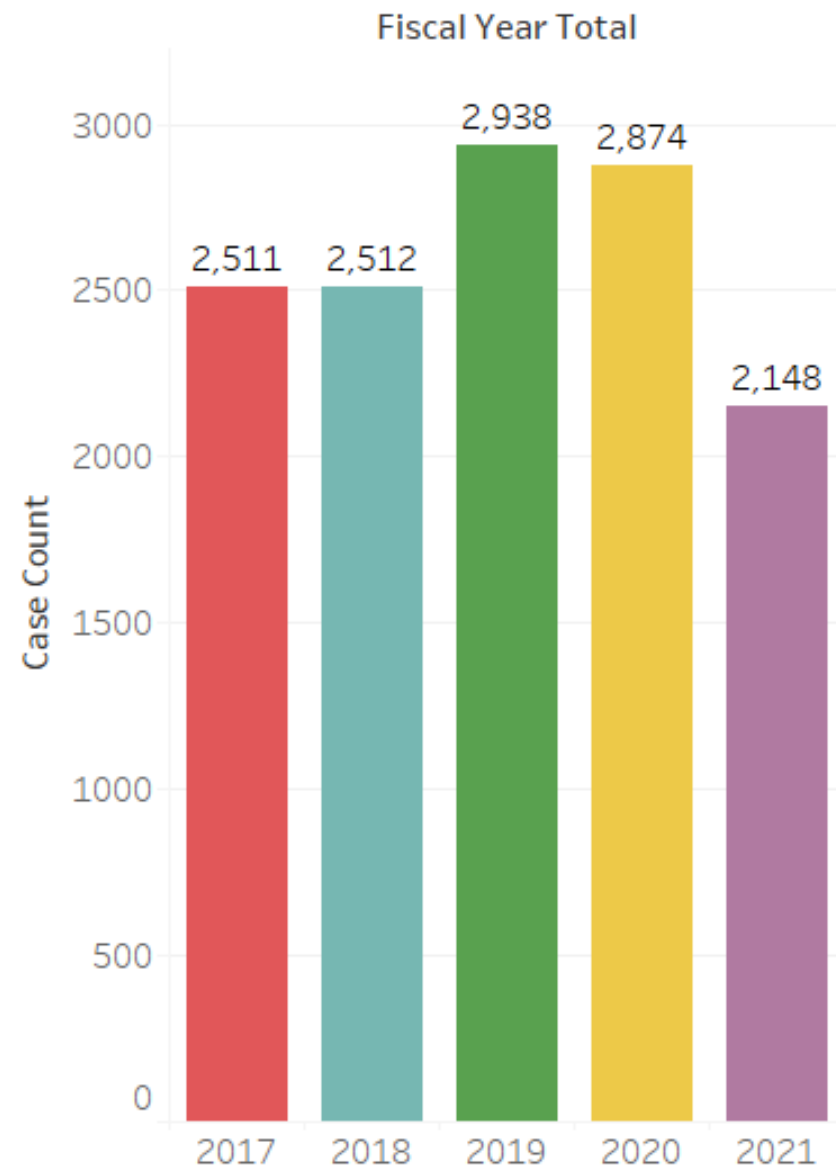
(3) Pursuant to [section 2-7-203, C.R.S.](#), the office of alternate defense counsel shall report annually to the judiciary committees of the house of representatives and senate, or to any successor committees, information concerning:

- (a) The number of juvenile delinquency cases for which counsel from the office is appointed;
- (b) The number of juvenile cases that involve a conflict of interest;
- (c) The process of selecting, training, and supporting attorneys who represent children in juvenile delinquency court;
- (d) The average length of time attorneys are assigned to juvenile court; and
- (e) The outcome of efforts to reduce juvenile court rotations and increase opportunities for promotional advancement in salaries for attorneys in juvenile court.

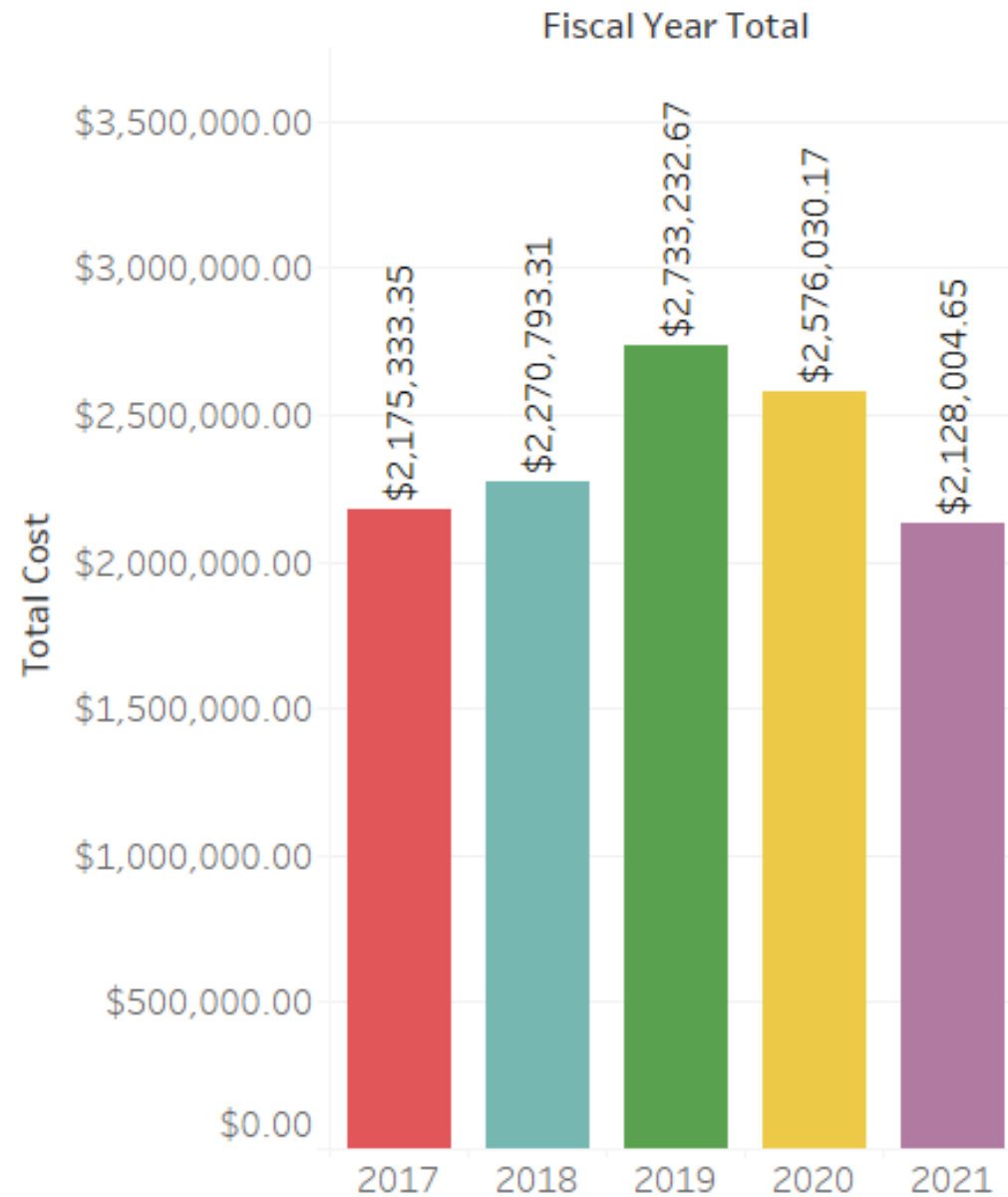
## Juvenile Attorney Experience



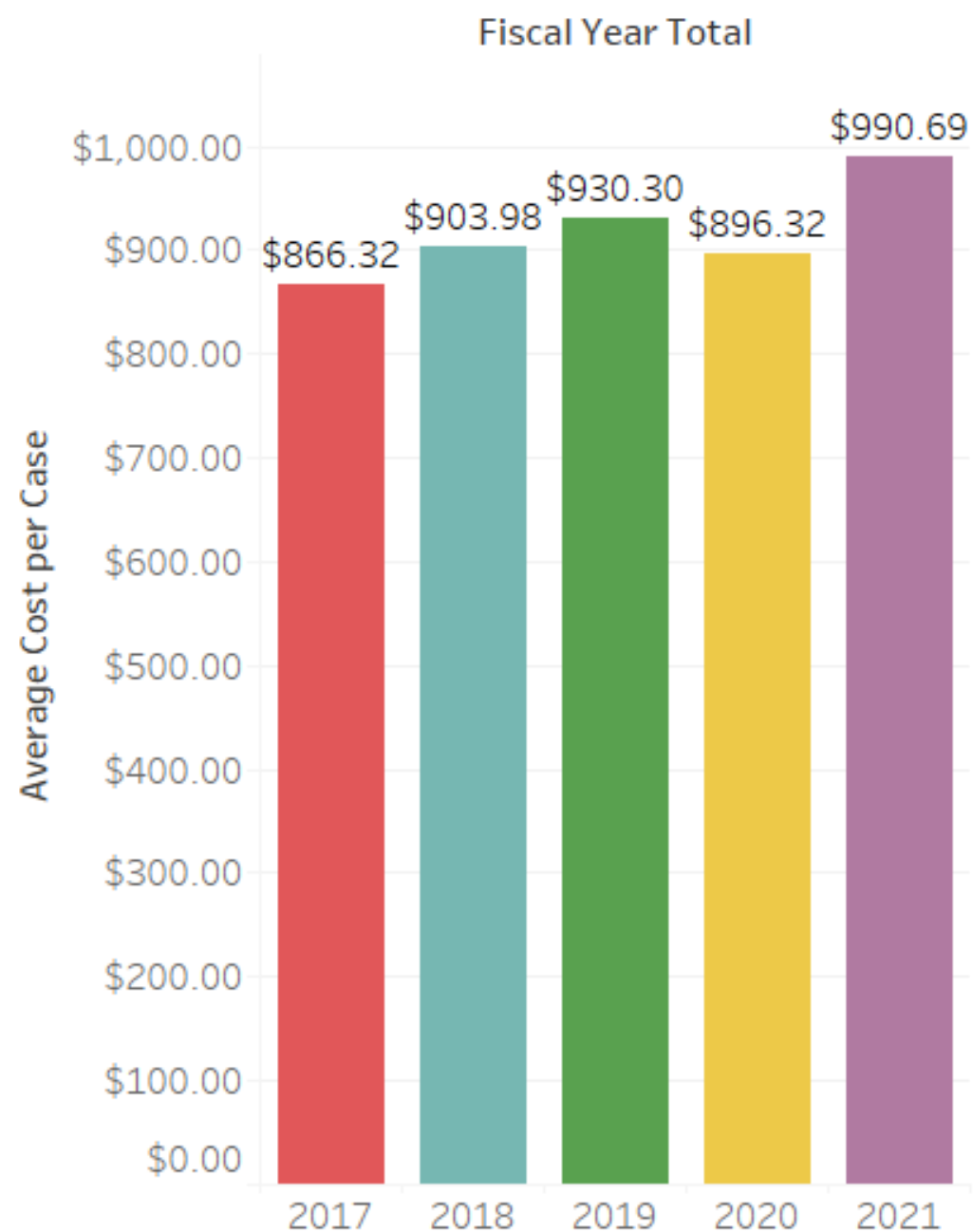
## Total Juvenile Cases



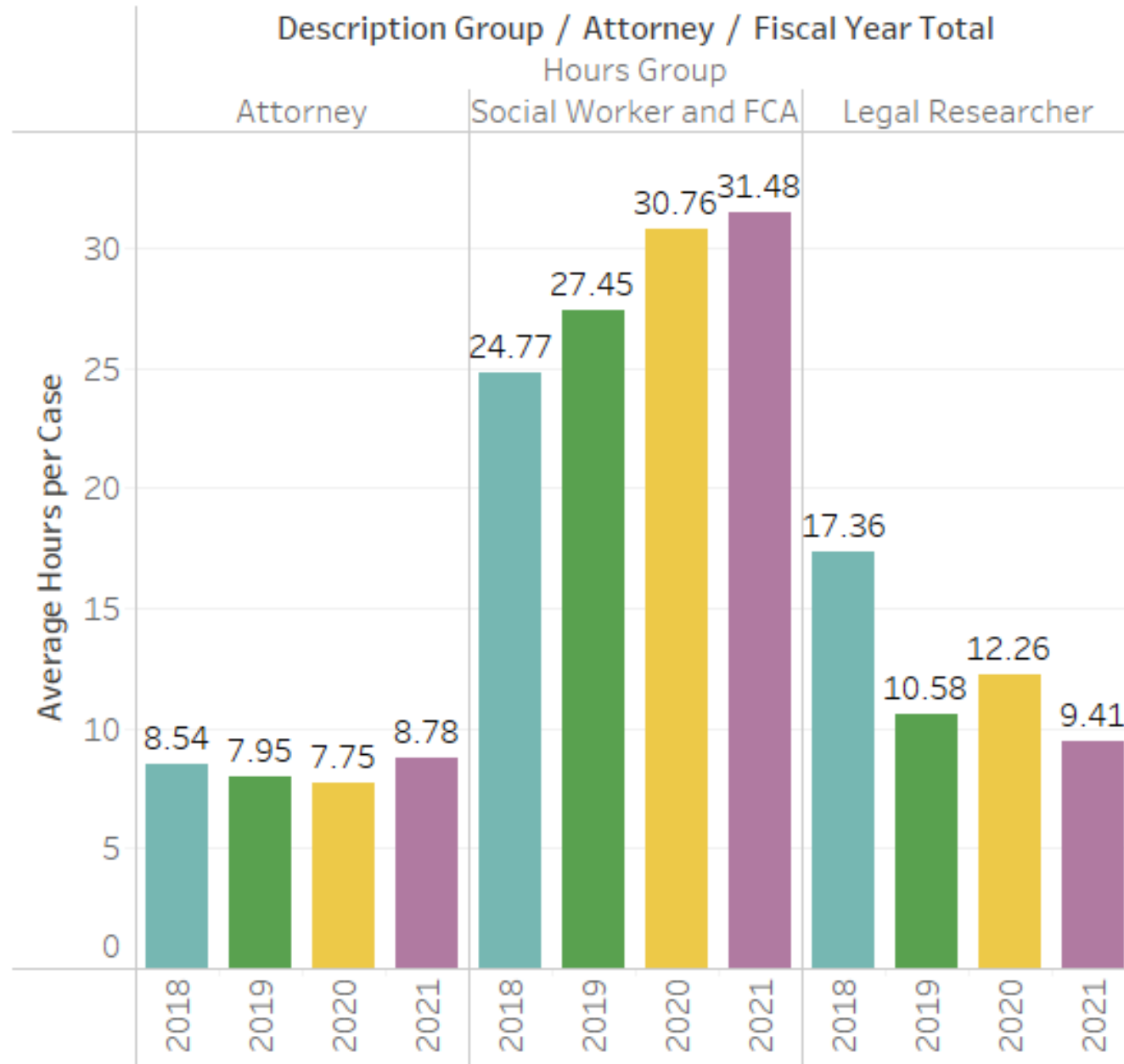
## Total Cost of Juvenile Cases by Year



# Average Cost per Juvenile Case by Year



## Average Hours per Case by Contractor Type





# Questions ?

- **Stacie Nelson Colling** – Youth Defense Coordinator  
(303) 515-6933 – [stacie@coloradoadc.com](mailto:stacie@coloradoadc.com)

- Erin Campbell  
*Evaluation and Training  
Coordinator*

# SB 19-223 (Competency Bill)

§21-2-104 C.R.S. Duties of alternate defense counsel and contract attorneys.

(3) Pursuant to [section 2-7-203, C.R.S.](#), the office of alternate defense counsel shall report annually to the judiciary committees of the house of representatives and senate, or to any successor committees, information concerning:

(f) The process of training employees and contractors concerning determinations of competency to proceed for juveniles and adults, competency evaluation reports, services to restore competency, and certification proceedings governed by Article 65 of Title 27.

# Fall/Winter 2019 Competency Trainings

1) Understanding the Complexities of Competency Cases and the Juvenile Perspective (4 CLEs)

2) Changes to Competency Services in CO & Updates in the Law (2 CLEs)

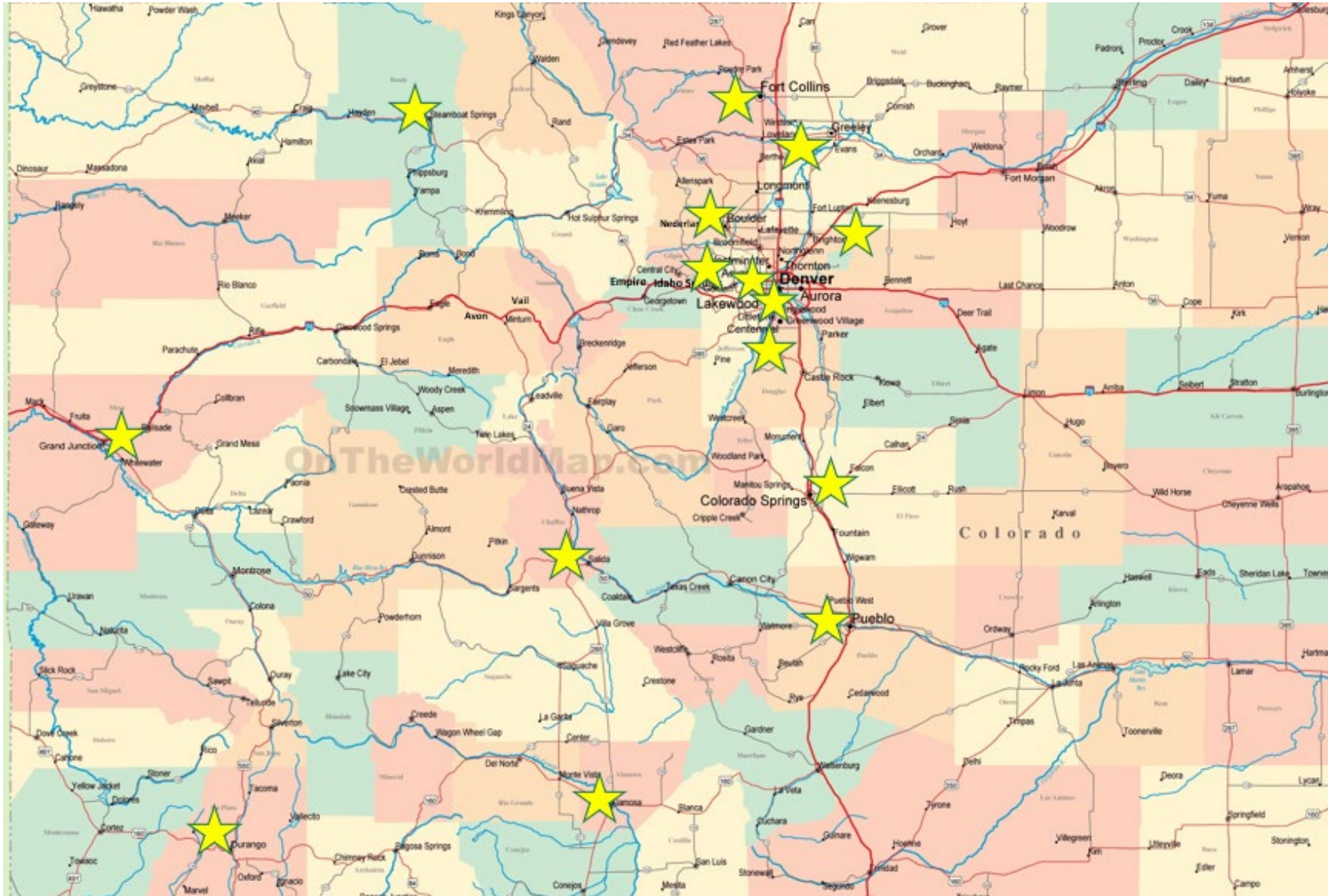
- Statutory changes and law updates
- Adults vs. Juveniles
- Competency and restoration services
- Defense teams working together – holistic approach

# Spring of 2020

## Statewide Comprehensive Competency Trainings

- Co-Sponsored with the CO Public Defender's Office
- In-person/Webinar/Recording/Home Study CLE
- Each training was 4 hours of instruction time (5 CLE credits each) and widely attended

# Road Show Comprehensive Competency Trainings (15 Stops)





# Advanced Level Competency Trainings

(live in 2020)

- Two “Advanced Series” Competency Trainings

*(determined by feedback from Competency Road Shows)*

- 1) The Civil Mental Health System for Criminal Defense Teams (2 CLEs)

- 2) Navigating Ethical Issues When Representing Clients with Mental Illness (2 CLEs)

## Goals of these trainings:

- educate on changes of competency statute and services
- practical, relevant, client-centered, promote holistic defense
- accessible to all
- access to resources

## Feedback from evaluations:

*“Great presentation of a very technical and complicated area of the law by an extremely knowledgeable presenter! A+”*

*“Very informative, engaging presentation – high impact, very beneficial to my practice.”*

*“This was one of the most interesting and helpful CLEs I have ever been to.”*



- Using these trainings as on-boarding resource for new contractors
- Information still relevant and will be kept in training portal indefinitely
- Viewed online by 94 contractors for a total of 252 CLE/CPD hours
- Notify contractors about these trainings in our quarterly newsletter
- One-time funding and competency laws have not changed

# Questions ?

- **Erin Campbell** – Evaluation and Training Coordinator  
(303) 515-6923 – [erin@coloradoadc.com](mailto:erin@coloradoadc.com)

- Kimberly Simmons  
*Municipal Court Coordinator*

# SB 18-203 - Municipal Court Program: Conflict-free Representation in Municipal Courts

- Began January 1, 2020
- **MCP 2021:** 114 Attorneys, 58 Municipalities
  - 43 OADC contractors (15 of whom were evaluated for OADC contract renewal in 2021)
  - 71 non-OADC attorneys providing court-appointed counsel services
    - 59 approved attorneys
    - 17 successful evaluations
  - 7 courts had unsuccessful evaluations



# SB 18-203 - Municipal Court Program: Conflict-free Representation in Municipal Courts

- New Program for 2021 and 2022
  - Contracts with Denver and Westminster (pending contract with Aurora)
- Resources for Attorneys and Municipal Courts
- 2022 Courts and Evaluations
- Approved Attorney List

# Questions ?

- **Kimberly Simmons** – Municipal Court Coordinator  
(303) 515-6928 – [kimberly@coloradoadc.com](mailto:kimberly@coloradoadc.com)

# Contact Information

- **Lindy Frolich** – Director  
(303) 515-6925 – [lindy@coloradoadc.com](mailto:lindy@coloradoadc.com)
- **Stacie Nelson Colling** – Youth Defense Coordinator  
(303) 515-6933 – [stacie@coloradoadc.com](mailto:stacie@coloradoadc.com)
- **Erin Campbell** – Evaluation and Training Coordinator  
(303) 515-6923 – [erin@coloradoadc.com](mailto:erin@coloradoadc.com)
- **Kimberly Simmons** – Municipal Court Coordinator  
(303) 515-6928 – [kimberly@coloradoadc.com](mailto:kimberly@coloradoadc.com)



## Annual Report to the Joint Judiciary Committee

Pursuant to  
HB 13-1299 (SMART Act)  
HB 14-1032 (Juvenile Defense)  
SB19-223 (Competency Bill)  
SB18-203 (Municipal Courts)

**January 24, 2022**

Lindy Frolich, Director  
Stacie Nelson Colling, Youth Defense Coordinator  
Erin Campbell, Evaluation and Training Coordinator  
Kimberly Simmons, Municipal Court Coordinator

## The Office of the Alternate Defense Counsel

### **Background**

The United States and Colorado Constitutions provide every accused person with the right to legal representation by counsel in criminal prosecutions. [U.S. Const., amend. VI](#); [Colo. Const., art. II, §16](#). This constitutional right means that counsel will be provided at state expense for indigent persons in all cases in which incarceration is a possible penalty.

The Office of the Alternate Defense Counsel (OADC) was established pursuant to [C.R.S. § 21-2-101, et seq.](#) as an independent governmental agency of the State of Colorado Judicial Branch. The OADC is funded to provide legal representation for indigent persons in criminal and delinquency cases in which the Office of the State Public Defender (OSPD) has an ethical conflict of interest.

### **Statutory Mandate/Directive**

The Office of the Alternate Defense Counsel is mandated by statute to “provide to indigent persons accused of crimes, *legal services that are commensurate with those available to non-indigents*, and conduct the office in accordance with the Colorado Rules of Professional Conduct and with the American Bar Association Standards relating to the administration of criminal justice, the defense function.” [C.R.S. § 21-2-101\(1\)](#) (emphasis added).

### **Mission**

The mission of the Office of the Alternate Defense Counsel (OADC), through the practice of holistic public defense, is to help adults and children who the government has charged with criminal and delinquent offenses. The OADC's holistic practice model fosters ethical, informed, and standard-driven best practices in public defense. The OADC allocates resources in a manner intentionally designed to rebalance the disparate power wielded by the government in the criminal legal system. We advocate for every client's inherent worth and dignity by centering the client's experiences and voice to achieve the best legal outcome.

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The total FY 2022-23 budget request for the Office of the Alternate Defense Counsel is \$50,495,384 and 20.5 FTE.

FY 2021-22 Appropriation \$ 47,690,846

MINUS Across the Board (ATB) Adjustments – PY Annualization (\$ 55,221)

PLUS Across the Board (ATB) Adjustments \$ 56,984

PLUS Common Policy Adjustments \$ 16,780

PLUS Capital Outlay Adjustments \$ 12,400

FY 2022-23 Base Request of \$ 47,721,789

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PLUS DI 2 – Change Request – Staff Accountant \$ 103,413

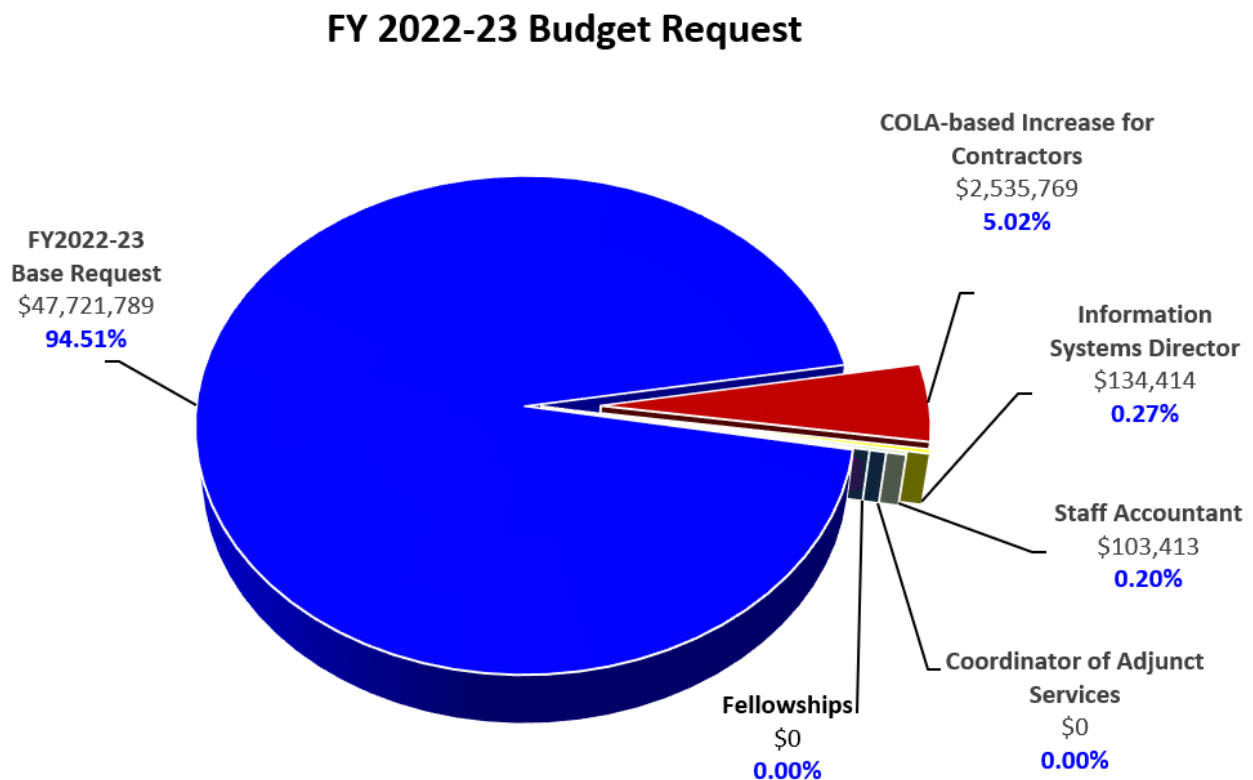
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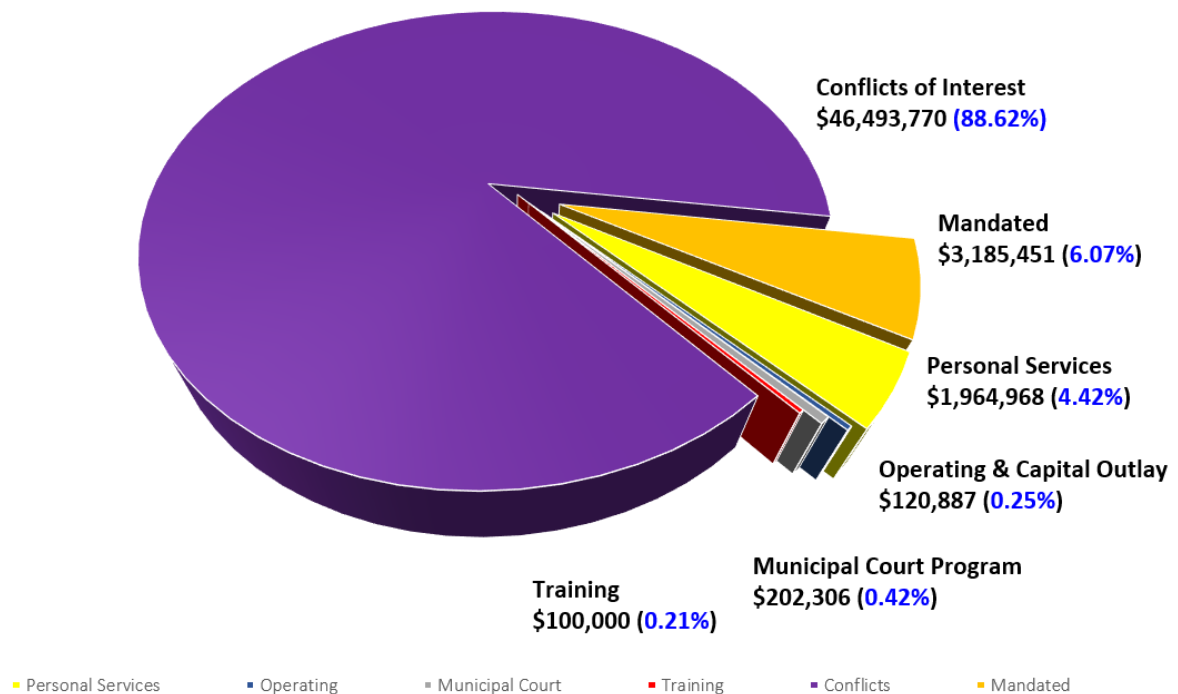
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## FY2021-22 Total Appropriation \$ 47,690,846



### SMART Act (HB 13-1299)

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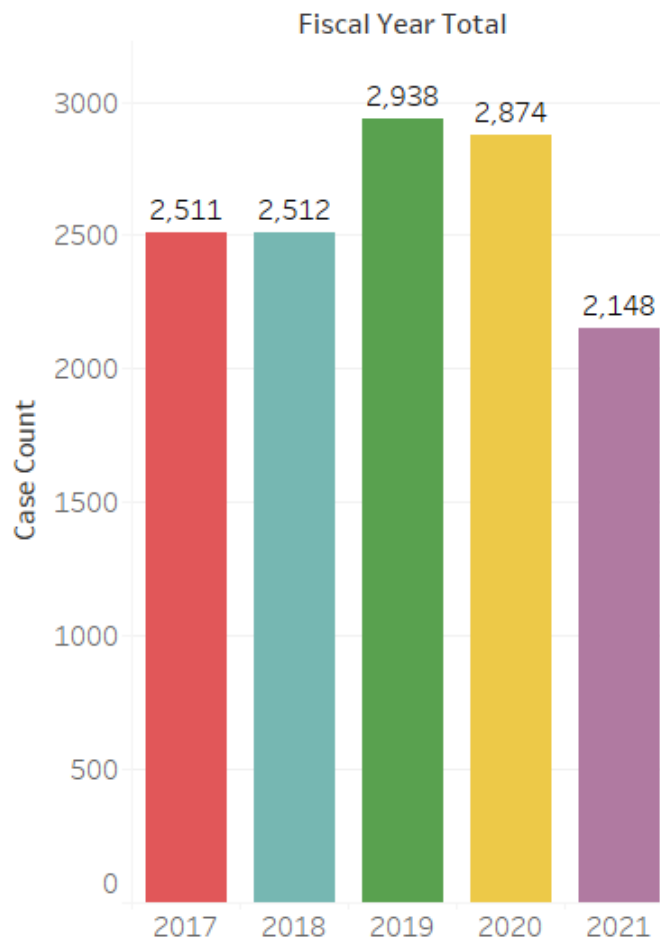
## HB 14-1032 (Juvenile Defense)

§ 21-2-104 C.R.S. Duties of alternate defense counsel and contract attorneys.

(3) PURSUANT TO SECTION 2-7-203, C.R.S., **THE OFFICE OF ALTERNATE DEFENSE** COUNSEL SHALL REPORT ANNUALLY TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR TO ANY SUCCESSOR COMMITTEES, INFORMATION CONCERNING:

- (a) THE NUMBER OF JUVENILE DELINQUENCY CASES FOR WHICH COUNSEL FROM THE OFFICE IS APPOINTED;

### Total Juvenile Cases



- (b) THE NUMBER OF JUVENILE CASES THAT INVOLVE A CONFLICT OF INTEREST;

Every case involves a conflict of interest because the only way an OADC contract attorney may be appointed to represent a youth is when the public defender's office has declared a conflict of interest.

(c) THE PROCESS OF SELECTING, TRAINING, AND SUPPORTING ATTORNEYS WHO REPRESENT CHILDREN IN JUVENILE DELINQUENCY COURT;

Selection: In 2017, OADC established a Juvenile Division of attorneys who specialize in defending youth, and it is committed to only allowing attorneys who have the requisite knowledge, experience, and training to represent children.

Applications and interviews for the Juvenile Division assess an applicant's interest in youth defense, experience, command of relevant case law, statutes, policies, and standards, and understanding of social science research related to adolescent behavior and development. Applicants are required to demonstrate an ability to provide holistic defense to youth through multi-disciplinary teams which may include a social worker, investigator, and education advocate. Applicants are further screened for a commitment to best practices in youth defense (for example, strategies for effective communication to build confidence and trust; the importance of engagement with the youth's family and community if desired by the youth; and the need for frequent and regular visits with the youth).

Youth in adult court are only assigned defenders with the experience and specific skills needed for defending youth in adult court. Attorneys interested in developing such expertise are encouraged to assist more experienced attorneys in these cases.

Training: The OADC co-sponsors an annual two-day youth defense specific conference with the Colorado Juvenile Defender Center (CJDC), the Office of the Child's Representative (OCR) and the Office of the State Public Defender (OSPD). In addition, the OADC co-sponsors the Colorado Juvenile Defense Manual with the CJDC, which is a comprehensive practice manual currently in its 4th edition. The OADC analyzes youth defense training needs based on inquiries directed to the Youth Defense Coordinator and other OADC staff, both on an ad hoc basis and at regular contract renewal interviews; issues raised by other stakeholders in the juvenile legal system (e.g. courts, other attorneys, clients, probation); changes in law and policy; and observations of attorneys' oral and written practice.

The Youth Defense Coordinator participates in various statewide initiatives involving multiple stakeholders from across the juvenile legal system. Currently, the Youth Defense Coordinator sits on Colorado's Juvenile Justice & Delinquency Prevention Advisory Council, Juvenile Justice Reform Committee (established by the Juvenile Justice Reform Bill of 2019), Colorado Youth Detention Continuum/Interstate Compact Advisory Board, Criteria for Detention and Commitment Committee, and Bridges Program Statewide Steering Committee. This allows the Coordinator to be a conduit between policy level juvenile legal system actors and the attorneys on the front lines of youth defense.

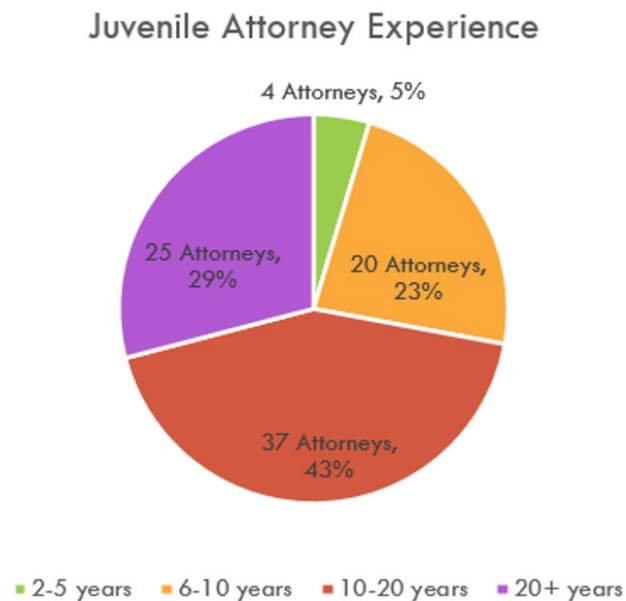
Support: The full-time Youth Defense Coordinator is available to contractors for questions, concerns, and connection to resources, and conducts monthly roundtable

conversations to facilitate communication. The OADC also makes available social workers, paralegals, education advocates, investigators, attorneys with specific specialties, experts, and student interns. Further, the OADC provides its contractors with Westlaw, as well as an e-library including juvenile-specific legal memos, briefs, motions, social science research, and other resources.

**(d) THE AVERAGE LENGTH OF TIME ATTORNEYS ARE ASSIGNED TO JUVENILE COURT;**

The OADC recognizes that youth defense is a specialty practice distinct from adult defense. Therefore, there is no set length of time that one would stay in juvenile court. The OADC expects any attorney who commits to youth defense work will continue to do so long-term.

Currently, 95% of our juvenile defenders have been practicing law for at least 6 years, and 72% have been practicing for over 10.



**(e) THE OUTCOME OF EFFORTS TO REDUCE JUVENILE COURT ROTATIONS AND INCREASE OPPORTUNITIES FOR PROMOTIONAL ADVANCEMENT IN SALARIES FOR ATTORNEYS IN JUVENILE COURT**

Because the OADC is an independent contractor-based organization with a set attorney hourly fee schedule, we do not have the opportunity to “promote” or increase the salaries of our attorneys. We also do not use rotations. We contract with attorneys that we expect to continue representing youth.

## SB 19-223 (Competency Bill)

§21-2-104 C.R.S. Duties of alternate defense counsel and contract attorneys.

(3) Pursuant to section 2-7-203, C.R.S., the office of alternate defense counsel shall report annually to the judiciary committees of the house of representatives and senate, or to any successor committees, information concerning:

(f) The process of training employees and contractors concerning determinations of competency to proceed for juveniles and adults, competency evaluation reports, services to restore competency, and certification proceedings governed by Article 65 of Title 27.

The Office of the Alternate Defense Counsel, in conjunction with the Colorado State Public Defender's office, developed a comprehensive competency training that was delivered, live, to fifteen locations throughout the state during the end of 2019, into 2020. To make this training accessible to all our contractors, it was also webcast from one location, and recorded so it would be available after the fact to those who were not able to attend in person or via webcast. The fifteenth training was delivered in March of 2020, just before the pandemic hit and this training has not been offered live since then. However, this training has been posted on our agency's online training portal and is readily available to all our contractors to view on-demand. This comprehensive competency training contained four hours of instruction and attorneys who attended received five Continuing Legal Education credits.

In addition to these fifteen statewide comprehensive competency trainings, our agency did two competency trainings in the fall of 2019 and two additional advanced level competency trainings in May and June of 2020. All of these competency trainings are also available for on-demand viewing and Home Study CLE credit on our agency's training website.

# Appendix A

## Agency Objectives and Performance Measures

### Objectives

#### **I. PROVIDE COMPETENT LEGAL REPRESENTATION STATE-WIDE FOR INDIGENT DEFENDANTS AND JUVENILES.**

The Office of the Alternate Defense Counsel (OADC) contracts with approximately 460 private lawyers across Colorado to represent indigent defendants and juveniles where the OSPD has a conflict of interest. Each of these lawyers is an independent contractor. Investigators, paralegals, experts, social workers and other ancillary services are available to these lawyers through the OADC. The Agency is committed to ensuring that the representation is of the highest quality and includes advancements in the field.

#### **II. PROVIDE COST-EFFECTIVE LEGAL REPRESENTATION STATE-WIDE FOR INDIGENT DEFENDANTS AND JUVENILES.**

The OADC has no control over the number of criminal and juvenile cases filed or prosecutors' charging decisions. However, the OADC is constantly seeking ways to contain the average cost per case.

### Strategies

- A. Ensure Adequate Contractor Rates
- B. Contain Case Costs
- C. Provide High-Quality Annual Trainings
- D. Provide Cost-Effective Research Tools and Assistance
- E. Monitor and Evaluate Contractors
- F. Strengthen Social Worker Program
- G. Strengthen Juvenile Division
- H. Implement and manage the Municipal Court Program

## I. Performance Measures & Goals

### A. Ensure Adequate Contractor Rates

For the FY22–23 Budget Request, the OADC will be submitting a Decision Item requesting a 6% increase in contractor hourly rates.

Performance Measure A:		FY20 Actual	FY21 Actual	FY22 Budget	FY23 Request	FY24 Goal
The OADC average hourly Attorney Rates	Target	\$80	\$80	\$80	\$85	\$85
	Actual	\$80	\$80			

### B. Contain Case Costs

The OADC analyzes the average cost per case monthly and strives to find innovative and effective strategies to contain the average cost per case. The Agency's actual average cost per case was \$23.00 lower than the target in FY21. Ancillary costs were also lower than the target by \$3.00.

Performance Measure B:		FY20 Actual	FY21 Actual	FY22 Budget	FY23 Request	FY24 Goal
Average Cost per Case	Target	\$ 1,456	\$ 1,474	\$ 1,474	\$ 1,498	\$ 1,498
	Actual	\$ 1,498	\$ 1,451			
Keep ancillary costs per case to a minimum.	Target	\$ 91	\$ 67	\$ 67	\$ 70	\$ 70
	Actual	\$ 70	\$ 64			

### C. Provide High-Quality Annual Trainings

As can be seen by the chart below, the agency provided 66 trainings, consisting of 210 hours, and reaching 2,731 attendees, an increase from the projected 1,351. The OADC trained on a variety of subjects and most trainings were webcast and accessible to anyone with a high speed internet connection, and/or recorded and made available for Home Study.

Performance Measure C:		FY20 Actual	FY21 Actual	FY22 Budget	FY23 Request	FY24 Goal
Total Number of Trainings	Target	16	31	51	51	51
	Actual	51	66			
Total Number of Hours	Target	158	244	267	267	267
	Actual	267	210			
Total Number of Attendees	Target	903	1,351	2,650	2,650	2,650
	Actual	2,650	2,731			

## **D. Provide Cost-Effective Research Tools and Assistance**

To advance quality and efficiency in OADC contractors, the Agency recognized the need for providing cost-effective research tools and resources. To accomplish this the Agency is:

- Improving and expanding its eLibrary.
- Providing legal research, motion drafting, and other assistance to contractors, using lawyers and non-lawyers.
- Providing weekly emailed case law summaries of new criminal legal opinions issued by the Colorado Court of Appeals, the Colorado Supreme Court, the 10th Circuit of the United States Court of Appeals, and the United States Supreme Court.
- Providing a weekly podcast discussing recent cases of interest, practice pointers and contractor wellness issues.
- Analyzing and introducing best practice applications to OADC contractors.
- Creating comprehensive manuals on complex but frequently used subject matter such as COCCA (Colorado Organized Crime Control Act), self-defense, character evidence, restitution claims, CRE 404(b) evidence, researching legislative history, sex offenders, out-of-state subpoenas, habitual criminal sentencing, proportionality review materials and post-conviction and ineffective assistance of counsel claims. The OADC also co-authored the 4th edition of the Juvenile Defense Manual, which was released in April 2020, as well as its addendum, released in April 2021.
- Providing access to online subscription research services including Westlaw (legal research) and EBSCO (Psychology and Behavioral Sciences Collection and the Sociology Index).

Performance Measure D:		FY20 Actual	FY21 Actual	FY22 Budget	FY23 Request	FY24 Goal
On-Line Research Tools and Resources to the OADC Contractors (including Juvenile, Social Sciences and Mental Health specific materials)	Target docs	7,500	7,541	7,854	8,482	8,482
	Actual docs	7,854	8,936			
	Target hits	2,000	4,952	5,928	6,692	6,692
	Actual hits	5,928	6,757			

## **E. Monitor and Evaluate Contractors**

As the numbers below indicate, the Agency met its goal and evaluated 100% of its renewing contractors. The OADC has a process to ensure that all OADC lawyers, investigators, and social workers are under a current contract. This process includes interviewing and evaluating potential contractors, and renewing current contract attorneys, investigators, and social workers.

Performance Measure E:		FY20 Actual	FY21 Actual	FY22 Budget	FY23 Request	FY24 Goal
Evaluate Renewing Attorney Applicants	Target	100%	100%	100%	100%	100%
	Actual	100%				
Evaluate Renewing Investigator Applicants	Target	100%	100%	100%	100%	100%
	Actual	100%				

## **F. Strengthen Social Worker Program**

The Agency's Social Worker program has continued to expand as seen in the chart below. Since the hiring of a full-time Social Worker Coordinator in September 2016, the Agency expanded the number of Social Worker contractors, and therefore the number of cases with social workers. The JBC approved the OADC's request for a Social Worker Outreach Coordinator for FY19-20, and that position was filled on July 1, 2019. The OADC had social workers on 637 more cases than forecasted for FY21, and it is estimated that this number will continue to grow in FY22.

Performance Measure F:		FY20 Actual	FY21 Actual	FY22 Budget	FY23 Request	FY24 Goal
Number of Cases with Social Workers	Target	350	496	624	1,110	1,110
	Actual	624	1,172			
Number of Social Worker Contractors	Target	24	32	44	55	55
	Actual	44	49			
Number of Social Worker Interns	Target	5	5	6	6	6
	Actual	5	5			

## **G. Strengthen Juvenile Division**

The Agency has changed the target numbers for the "Screen 100% of attorneys doing juvenile work and up for contract renewal, to ensure competency in juvenile representation" to a percentage from an actual number as that is a more accurate way of documenting this. The OADC did exceed its goals for incorporating social workers into juvenile defense teams by 13 and providing specialized education law assistance by 12.

Performance Measure G:		FY20 Actual	FY21 Actual	FY22 Budget	FY23 Request	FY24 Goal
Screen 100% of attorneys doing juvenile work and up for contract renewal, to ensure competency in juvenile representation.	Target	25	26	100%	100%	100%
	Actual	18	18			
Incorporate a social worker into juvenile defense teams where appropriate.	Target	60	112	114	125	125
	Actual	114	125			
Provide specialized education law assistance to juvenile defense teams where appropriate.	Target	25	40	42	52	52
	Actual	42	52			



## H. Implement and manage the Municipal Court Program

Pursuant to SB18-203, the OADC is evaluating municipal court-appointed counsel through the Municipal Court Program. In a similar approach to the process already in place by the OADC to contract with effective counsel, this program will ensure that indigent defendants in municipal courts are represented free from any political considerations or private interest and that such representation is effective, high quality, ethical, conflict-free, and constitutionally sound.

As demonstrated in the chart below, the Agency exceeded its goal by six for Municipalities Requesting OADC Attorney Evaluations. At the time of this report, 56 Municipalities have received their evaluations. The remaining evaluations will be completed by the end of the calendar year. The Agency has changed the target numbers for the “Evaluation of Municipalities requesting services” to a percentage from an actual number as that is a more accurate way of documenting this.

Performance Measure H:		FY20 Actual	FY21 Actual	FY22 Budget	FY23 Request	FY24 Goal
Municipalities Requesting OADC Attorney Evaluations	Target	50	50	56	56	56
	Actual	56	56			
Evaluation of Municipalities requesting services	Target	56	56	56	56	56
	Actual	56	0 ***			
Evaluation of Court- Appointed Attorneys	Target	112	33%	33%	33%	33%
	Actual	81*	11 ***			
Municipalities visited that requested OADC services	Target	100%	100%	100%	100%	100%
	Actual	13% **	2% **			

\*The remaining attorneys are OADC contractors that do not require an evaluation and where not up for renewal in FY20.

\*\*These numbers are low due to COVID-19 closures of municipal courts.

\*\*\*Evaluations are due at the end of the calendar year.